IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2494 OF 2005

Shantabai Kerkar Memorial Charitable Trust ... Petitioner

Vs.

The State of Maharashtra & Anr. ... Respondents

Mr. R. D'souza with Mr. R.A. Rodrigues and Mr.B.V. Phadnis for Petitioner.

Mr. K.R. Belosey, A.G.P. for Respondents.

CORAM: F.I. REBELLO &
MRS.V.K.TAHILRAMANI,JJ.
DATE : 4TH AUGUST, 2006

P.C.:

. Rule. The respondent waives service. Heard forthwith.

. The Petitioners are challenging the order dated 10.5.2005 whereby the letter of intent given in favour of the Petitioners was cancelled on failure by the Petitioner to comply with the requirements of the Governments' order dated 6.7.1998. It is pointed out on behalf of the Petitioners that at that time the trustees with them had the necessary money towards project costs as required. However, that was not in the account of the trust. By letter dated 1.8.2006 issued, the Bank of Baroda has indicated that they agree in principle to provide financial assistance to the proposed project on merits.

. Considering the above, the impugned order dated 10.05.2005 is set aside. The matter is remanded

back to the respondent State to reconsider the case of the Petitioner and after hearing the Petitioner to pass appropriate orders according to law. In the meantime and till the Petitioner is heard and order is passed and for the period of four weeks thereinafter, the land not to be allotted to any other person or parties.

. Rule made absolute accordingly. No order as to costs.

(MRS.V.K.TAHILRAMANI,J.) **(F.I.REBELLO, J.)**